



NEW MARYLAND LAW TO EXPAND CANCER COVERAGE FOR FIRST RESPONDERS

In April 2019, the Maryland General Assembly passed House Bill 604/Senate Bill 646 – Workers’ Compensation – Medical Presumptions for Diseases and Cancer – Eligibility (Firefighter Jesse McCullough’s Cancer Protection Law). The bill expands workers’ compensation protection for first responders. It was signed into law by Governor Larry Hogan on April 30, 2019 and will take effect on October 1, 2019.

According to the new law, a firefighter is presumed to be suffering from an occupational illness if the firefighter:

1. is diagnosed with leukemia or throat, brain, prostate, multiple myeloma, rectal, breast, non-Hodgkin’s lymphoma, or testicular cancer caused by contact with a toxic substance in the line of duty;
2. has completed at least 10 years of service as a firefighter; and,
3. is unable to perform his or her normal duties as a firefighter.

The presumption of the occupational illness should make it slightly easier for firefighters to qualify for workers’ compensation benefits compared to workers in other occupations. Instead of proving that the firefighter’s employment caused cancer, he/she only needs to establish, through medical records, that the cancer was caused by a toxic substance the firefighter came into contact with while on the job. However, the presumption that the cancer is an occupational illness is only the first step. The firefighter must also prove that cancer prevents him/her from performing his/her duties as a firefighter. Only then can the firefighter recover benefits under the workers’ compensation system.

The Firefighter Jesse McCullough’s Cancer Protection Law was named after Jessie McCullough, a Prince George’s County firefighter who died after being diagnosed with colon cancer in 2017, as result of his occupation. The governor stated that he signed the bill into law because coverage for firefighters battling cancer is relatively new, saying the link between firefighting and cancer was not known years ago when the original Maryland Workers’ Compensation Law had been passed.

--Steve R. Tregoe